Declassified and Approved For Release 2012/02/10 : CIA-RDP90-00965R000201030002-7

PHILADELPHIA INQUIRER
27 February 1986

Foes of Marcos seek freeze on U.S. real estate

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Opponents of former Philippine President Ferdinand E. Marcos have launched a drive to persuade the Reagan administration to freeze Marcos' U.S. real estate holdings until they can be returned to the Filipino people.

Marcos and his wife, Imelda, own real estate in New York and New Jersey worth about $350 million, some of it possibly purchased with money diverted from U.S. foreign-aid payments, according to a congressional investigating committee. In addition, Marcos may own properties in San Francisco, Los Angeles, Las Vegas and Reno, Nevada.

The Central Intelligence Agency estimates that Marcos and his wife have $3 billion in assets outside the Philippines, according to congressional experts. The experts say the figure may be conservative.

Several opposition groups have announced plans to file lawsuits for the return to the Philippine government of the money used to buy the properties. And in Congress, a move has been launched to join the battle to recover what is believed to be billions of dollars in real estate and other investments in the U.S.

Allegations of secret overseas investments by Marcos and his top government officials became a major campaign issue during the recent election.

Rep. George Miller (D., Calif.), asked Attorney General Edwin Meese 3d on Tuesday to freeze "extensive U.S. holdings" investigated recently by the House subcommittee on Asian and Pacific affairs. The holdings include several New York office buildings and other assets in the New York area.

Miller, who already has asked for similar action regarding properties of deposed Haitian ruler Jean-Claude Duvalier, asked Meese to consider "freezing the Marcos holdings until it is determined whether taxpayer funds were misappropriated, and whether there is lawful means for proceeding against Mr. Marcos to recover the value of any funds which he appropriated for his own use."

The New York assets include three Manhattan office buildings: the Crown Building on Fifth Avenue, the Herald Center department store on Broadway and 40 Wall St., one of the tallest office towers in New York's financial district.

The buildings' value was estimated in recent congressional hearings at $300 million. Another New York property is a 14-acre estate known as Lindenmere in Center Moriches, a town on Long Island. Imelda Marcos is reported to have paid $19 million for it in 1981.

The properties are all owned by overseas corporations that are not required to list the names of shareholders. The buildings reportedly are for sale, and congressional sources say they may be purchased by the New York real estate firm believed to have assisted the Marcoses in buying the buildings.

Congressional sources said the freeze request may also extend to banks in California that have been singled out in published reports and congressional hearings as possibly belonging to Marcos or top officials in his now-fallen government.

Meanwhile, Rep. Stephen J. Solarz (D., N.Y.), chairman of the House subcommittee that investigated Marcos' U.S. investments, introduced legislation in Congress yesterday that would allow a foreign government to recover a former leader's assets in the United States if those assets were the result of corrupt dealings.

A spokesman for the congressman said that Solarz was also considering seeking a court injunction to stop the sale of the New York properties.

In an interview several weeks ago, Solarz said the possibility that "some of the hundreds of millions of dollars a year we're providing in military and economic assistance to the Philippines ... may have been diverted into lucrative investments in the name of the first family of the Philippines suggests that the money of the taxpayers of the country is not being spent for the purposes intended."

Solarz said Marcos' ability to amass such holdings on a presidential salary of $5,700 a year suggests "either that he has a very good investment adviser or that he has corruptly acquired the resources with which to purchase these properties."

Michael Lewan, Solarz's chief of staff, said Tuesday that the subcommittee's legal counsel was "looking at the possibility to get on the fast-track legislation which would freeze Philippine assets here in the U.S."

"We may, along with some other people, go into court to get an injunction to prevent the sale of the New York properties," said Lewan.

A purchase by the brokers, Joseph and Ralph Bernstein, from the offshore corporations that now hold title to them would simply make it more difficult to recover the properties, said Lewan.

Among those holdings reportedly is a 13-acre estate in Lawrence, N.J., owned by Marcos through a a dummy corporation, Faylin Limited Corp., based in the British Virgin Islands. Members of the House subcommittee on Asian and Pacific affairs, during recent hearings on Marcos' United States holdings, charged that Faylin is a dummy corporation controlled by the Marcos family.

Norman T. Callaway, owner of N.T. Callaway Real Estate in Princeton, said the property at 3850 Princeton Pike was put on the market in October with an asking price of $825,000 and withdrawn Jan. 24.

"I think the attention the media was giving it [the house] concerned them," Callaway said.

Callaway said the property had 13.34 acres of land and a six-bedroom, 5½-bath house that dated back to the 18th century. Published reports have said Marcos' daughter, Imee, lived in the house during the 1970s while she was a student at Princeton University.

Romeo Capulong, a New York lawyer and member of the Lawyers Committee on Human Rights in the Philippines, said he believed the U.S. government had the power to force the return of any Philippine government money used by Marcos to make the U.S. investments.

The recovery attempt, he said, should include all top Marcos officials, relatives and cronies whose investments could be shown to have been made with illegally obtained funds.

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"They should go after all these people," Capulong said. "They are the vultures. They should go after the brothers and sisters, the sisters-in-law ... the generals who have made a lot of money."

Ironically, one of those singled out for his U.S. investments in news reports and opposition statements is Aquino's new defense minister, Juan Ponce Enrile, one of the two leaders of the military mutiny against Marcos last weekend. His purchases of a Pacific Heights, Calif., mansion and two condominiums in San Francisco were reported in a San Jose Mercury News series last year on overseas investment by top Filipino leaders.

Among those with property in the U.S., the series reported, are a sister of Marcos, a brother of his wife, and the son of Gen. Fabian Ver, who headed the Phillipine armed forces and who was acquitted of the murder of opposition leader Benigno Aquino.

Recent checks of property records uncovered:

- Two houses and a vacant lot in Los Angeles County owned by Marcos' youngest sister, Fortuna Marcos Barba, whose husband was a colonel in the Philippine military. Property tax records showed an estimated market value on the two homes of $139,000 and $150,000, and a purchase price on the vacant lot of $150,000.
- Nine pieces of property in Rancho Murieta, a suburb of Sacramento, which belong to a brother of Imelda Marcos, Armando T. Romualdez. The value of the properties was not known.
- A Cherry Hill, N.J., house at 4 Capshire Drive, bought Nov. 23, 1978, by Col. Julian L. Antolin Jr., a close associate of Irwin P. Ver and a former attache to the Philippine New York Consulate. Real estate records show that the home was transferred to Ver, son of Gen. Ver, on Nov. 26, 1979.
- Three Manhattan condominiums owned or once owned by Edna Camcam, a close associate of Gen. Ver. The property includes two condominiums at 80 Park Ave., New York City, bought by Camcam in 1983; and a third condominium at 402 E. 90th St., New York, also purchased in 1983, according to the Village Voice newspaper.

Meanwhile, several international law experts said there were ample legal means to force a return of the money used to make investments if it was found to have been obtained illegally.

The Iranian government has had difficulty recovering property from the family of the shah, but it has not been on friendly terms with the United States and is in a slightly different legal situation, according to experts.

Iran is using as its basis for recovery an executive agreement reached with President Jimmy Carter on the final day of his administration, according to Stanford professor Tom Campbell.

According to Harvard law professor Detlev Vagts, Marcos could be prosecuted for embezzlement.

Since many of the holdings are in the names of secretive corporations based in the Netherlands Antilles, Vagts suggested that Marcos would have to testify about his ownership of any U.S. properties.

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